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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,176	03/24/2004	Joe Torrey	021247.0101PTUS	4198
32042	7590	10/31/2005	EXAMINER	
PATTON BOGGS LLP 8484 WESTPARK DRIVE SUITE 900 MCLEAN, VA 22102			THOMAS, ALEXANDER S	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,176

Applicant(s)

TORREY, JOE

Examiner

Alexander Thomas

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/1/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-30, 43 and 44, drawn to a product, classified in class 428, subclass 106.
- II. Claims 31-42, drawn to a process, classified in class 156, subclass 60.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by a materially different process such as by laminating only two pieces of wood together.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Ms. Carden on October 24, 2005 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-30, 43 and 44. Affirmation of this election must be made by applicant in replying to this Office action. Claims 31-42 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-14, 17-28, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu 5,040,582 in view of Brown 671,467. The primary reference discloses the invention substantially as claimed, namely a laminated wood board comprising several layers of veneer wherein the first layer has a loose side in contact with the loose side of the second layer and the tight side of the second layer in contact with the tight side of a third layer and so on; see column 1, lines 12-17, column 2, lines 27-39, column 5, lines 4-8 and the paragraph bridging columns 5 and 6. However, the reference does not disclose the grain orientation of the laminate. The secondary reference discloses that varying the grain orientation in wood veneer laminates is old in the art in order to provide the desired structural properties; see lines 61-78. It would have been obvious to one of ordinary skill in the art to vary the grain orientation of the layers in the laminate of the primary reference in view of the teachings in the secondary reference in order to provide desired physical properties for a particular end use. It would also have been obvious to one of ordinary skill in the art to select any amount of the layers and a resulting laminate thickness for the article of the primary reference depending on the desired structural properties for a particular end use.

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7. Claims 15, 16, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of Brown as applied to claims 1-14, 17-28, 43 and 44 above, and further in view of Hasegawa 4,747,899. Hasegawa discloses the desirability of laminating metal layers to wood veneer; see column 7, lines 3-23. It would have been obvious to one of ordinary skill in the art to laminate any well-known metal layer in the laminate of the primary reference in view of the teachings in the secondary reference depending on the desired structural properties of the laminate.

8. Claims 31-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu 5,040,582 in view of Brown 671,467 as applied to claims 1-14, 17-28, 43 and 44 above, and further in view of applicant's acknowledged state of the art. The primary reference discloses laminating layers of wood together using adhesive. Applicant acknowledges that the processes used to make the instant invention are well-known; see the instant specification [00030] and [00035]-[00041]. It would have been obvious to one of ordinary skill in the art to use these well-known laminating methods to form the article of the primary reference depending on the desired physical properties for a particular end use.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Thomas whose telephone number is 571-272-1502. The examiner can normally be reached on 6:30-4:00 M-THUR.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Alexander S. Thomas". The signature is fluid and cursive, with the first name "Alexander" and last name "Thomas" clearly distinguishable.

ALEXANDER S. THOMAS
PRIMARY EXAMINER